



**UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
FREEDOM OF INFORMATION ACT BRANCH**  
Washington, D.C. 20570

Via email

February 14, 2022

Re: FOIA Request NLRB-2022-000413

Dear Adam Pechtel (Pechtel Law PLLC):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on January 13, 2022, in which you seek the certification of results of election and/or decisions and directions of elections and/or election agreement for the following cases: 19-RC-208, No. 19-RC-459, 19-RC-1381, 19-RC-1553, 19-RC-1917, 19-RC-2770, 19-RC-3430, 19-RC-5965, 19-RC-7255, 19-RC-6395, 19-RC-13570, 19-RC-13341, 19-RC-13640, and 19-RC-13389. You assumed financial responsibility for the processing of your request in the amount of \$25.00.

We acknowledged your request on January 13, 2022. In an email to a member of my staff on January 21, 2022, you agreed to assume fees up to \$74.00.

Searches based on the case numbers you provided were conducted in the Agency's electronic casehandling system, NxGen, which generally maintains NLRB case records from 2011 to present. These searches did not yield any responsive records. Further search efforts were conducted using the Agency's custom document search tool (Integrated Search, or "iSearch") to try to locate any specific cases and document data and/or document content. These searches did not locate any responsive records. Finally, searches were conducted using the Agency's public website for any Board Decisions, and Regional Election Decisions involving the requested case numbers. These searches have yielded an eight-page Board Decision in Case No. 12-CD-000006, which includes a passage regarding the Second Supplemental Decision in Case No. 18-RC-208. These searches, however, did not locate any additional responsive records for the remaining requested case files.

Pursuant to the Agency's record retention and disposition policy, records are retained for a six-year period, which commences at the close of the calendar year during which the case is closed. The records are then destroyed, unless they are selected for permanent retention based on their legal significance. Given the age of the requested cases, further searches were made of the list of permanently retained cases maintained by the Agency's Case Records Unit for

cases that closed between 1982 and 2010, and it was confirmed that the requested cases were not selected for permanent retention.

Therefore, the eight pages of records attached are the only records maintained by the Agency at this time. Please be advised that as part of our past practice of due diligence in searching for older records that pre-date our current electronic casehandling system, we had previously directed search inquiries to the Agency's Regional offices to conduct manual searches for potentially responsive paper records that may still be maintained. However, due to the continuing COVID-19 pandemic, the Agency's Regional offices are either closed or operating with skeletal staffs and it is not feasible for our Regional staff to conduct manual searches for any paper records in cases that closed prior to 2012 at this time.

If in the future, once our Regional offices return to regular opening hours and staffing, you continue to be interested in these records and would like us to conduct such a manual search to identify if any paper records still may exist, you may file a new FOIA request. For information on the status of the Agency's Regional offices, you may access our website at [www.nlr.gov](http://www.nlr.gov).

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Two hours of professional time was expended in searching for the requested material. Accordingly, please remit \$74.00.

Payment Instructions: Due to the COVID-19 pandemic and resulting widespread employee telework at the Agency's Headquarters offices, we are no longer accepting checks or money orders as payment at this time. To submit payment for your FOIA request, please use [www.pay.gov](http://www.pay.gov). From the [www.pay.gov](http://www.pay.gov) home page, scroll down to the bottom left corner to select "Pay a FOIA Request." Click "See all options" and go to "Filter By Agency" to check the box for the National Labor Relations Board. Continue following instructions on the website. Please remember to include the Invoice Number, which is the NLRB FOIA Case No., and the amount you intend to pay. Further, please be advised that all FOIA payments must be paid in full before any future FOIA requests are processed.

You may contact Lalitta Gillis, the FOIA Specialist who processed your request, at (202) 273-0101 or by email at [Lalitta.Gillis@nrlb.gov](mailto:Lalitta.Gillis@nrlb.gov), as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

FOIA Public Liaison  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: [FOIAPublicLiaison@nrlb.gov](mailto:FOIAPublicLiaison@nrlb.gov)  
Telephone: (202) 273-0902  
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: (202) 741-5770  
Toll free: (877) 684-6448  
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt  
Chief FOIA Officer  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: [DLCFOIAAppeal@nrlb.gov](mailto:DLCFOIAAppeal@nrlb.gov)

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter, such period beginning to run on the calendar day

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after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ *Synta E. Keeling*

Synta E. Keeling  
FOIA Officer

Attachment: (eight pages)